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UNITED STATES PATENT AND TRADEMARK OFFICE

JUN 11 2002

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/090,035	02/28/2002	Carl R. Simmons	35718/242990(5718-198)

00826
ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

CONFIRMATION NO. 6779

FORMALITIES LETTER



OC000000007788416

Date Mailed: 04/04/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

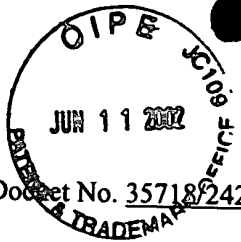
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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MP
PATENT

Attorney's Docket No. 35718/242990(5718-198)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Simmons
Appl No.: 10/090,035
Filed: February 28, 2002
For: NUCLEIC ACIDS ENCODING DEFENSE INDUCIBLE
PROTEINS AND USES THEREOF

Confirmation No.: 6779

May 29, 2002

Box Missing Parts
Commissioner for Patents
Washington, DC 20231

RESPONSE TO NOTICE TO
FILE MISSING PARTS OF APPLICATION

Sir:

In response to the Notice to File Missing Parts of Application dated April 4, 2002, enclosed are the following:

- ☒ Part 2 of Formalities Letter or Form PTO-1533
(Notice to File Missing Parts of Application)
- ☒ Declaration and Power of Attorney for the above-identified application which has been executed by the named inventor(s)
- ☐ Applicant claims small entity status
- ☒ Check in the amount of \$130 to cover the surcharge under 37 C.F.R. § 1.16(e)
- ☐ English Translation and \$130.00 (37 CFR 1.17(k)) fee for filing late.
- ☐ Other:

Any additional fee or credit may be charged to our Deposit Account No. 16-0605.

Respectfully submitted,

Eric J. Kron

Eric J. Kron
Registration No. 45,941

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to **Box Missing Parts**, Commissioner for Patents, Washington, DC 20231, on May 29, 2002.

Nora C. Martinez
Nora C. Martinez